

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EDDIE GILL,

Plaintiff,

-vs-

Case No. 15-C-587

CITY OF MILWAUKEE, et al.,

Defendants.

DECISION AND ORDER

On November 9, 2015, the Court granted Detective Mark Peterson's motion for judgment on the pleadings with respect to the claims brought against him by the plaintiff, Eddie Gill. Subsequently, Gill filed an amended complaint, which Peterson moved to strike. The Court denied that motion, reasoning, in part, as follows:

Peterson also argues that Gill is attempting to circumvent the Court's Order granting Peterson's motion to dismiss. To the contrary, Gill included the dismissed federal claims in his amended complaint to avoid any argument that such allegations were never brought in the first place. *See Flannery v. Recording Indus. Ass'n of Am.*, 354 F.3d 632, 638 n.1 (7th Cir. 2004) ("It is axiomatic that an amended complaint supersedes an original complaint and renders the original complaint void"). This is a perfectly appropriate way to ensure that Gill's rights are preserved on appeal.

January 20, 2016 Decision and Order, at 1-2.


Now before the Court is Peterson's motion for judgment on the

pleadings. Peterson argues that the claims against him should be dismissed “*with prejudice* for the reasons set forth below, which reflect the reasons provided in Detective Peterson’s previous Rule 12(c) [motion], which he filed with regard to Plaintiff’s original Complaint.” ECF No. 38, at 4 (emphasis added). In the Court’s understanding, the claims were dismissed with prejudice because the ruling was an adjudication on the merits of Gill’s claims against Peterson. Therefore, the instant motion seems unnecessary, but it is also awkward for the Court to deny that which was already granted.

Accordingly, Peterson’s motion for judgment on the pleadings [ECF No. 37] is **GRANTED** for the reasons set forth in the Court’s November 9, 2015 Decision and Order, ECF No. 28.

Dated at Milwaukee, Wisconsin, this 6th day of June, 2016.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge